

SENATE BILL No. 286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-37; IC 35-46-1-8.

Synopsis: Curfew for minors. Adds additional exemptions to the juvenile curfew law. Extends the juvenile curfew to the hours of 5 a.m. to 2 p.m. on a day when school is regularly in session. Requires a juvenile court to order that a parent, guardian, or custodian participate with a child in rehabilitation related to a violation of the juvenile curfew law. Makes it a Class A misdemeanor for an adult to aid or cause a person to commit a delinquent act. Establishes a rebuttable presumption that a parent, guardian, or custodian has caused a delinquent act if the person fails to provide for an adult to accompany a child while the child is in a public place between 5 a.m. and 2 p.m. in violation of the juvenile curfew law.

Effective: Upon passage.

Merritt

January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 286

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-37-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter
3 does not apply to a child who is:

- 4 (1) accompanied by the child's parent, guardian, or custodian;
- 5 (2) accompanied by an adult specified by the child's parent,
- 6 guardian, or custodian; ~~or~~
- 7 (3) participating in, going to, or returning from, **without a detour**
8 **or stop:**
 - 9 (A) lawful employment;
 - 10 (B) a school sanctioned activity; ~~or~~
 - 11 (C) a religious event;
 - 12 **(D) an errand conducted at the direction of the child's**
 - 13 **parent, guardian, or custodian at a time other than the**
 - 14 **time described in section 2(4) of this chapter;**
 - 15 **(E) an emergency; or**
 - 16 **(F) an activity involving the exercise of the child's rights**
17 **protected under the First Amendment to the United States**



Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly;

(4) on the sidewalk abutting the:

(A) child's residence; or

(B) residence of a next door neighbor, if the neighbor has not complained to a law enforcement office or law enforcement department about the child's presence; or

(5) participating in an activity conducted:

(A) during the regular hours in which a school:

(i) that the child is required by IC 20-8.1-3-17 to attend;

or

(ii) from which the child is suspended or expelled;

is regularly engaged in the instruction of students of the same age, including any scheduled makeup days; and

(B) by a nonprofit or governmental entity that provides education, training, care, or other supervision for a child who has been suspended or expelled from a school.

SECTION 2. IC 31-37-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. It is a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

(1) between 1 a.m. and 5 a.m. on Saturday or Sunday;

(2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday; or

(4) between 5 a.m. and 2 p.m. on a day when a school:

(A) that the child is required by IC 20-8.1-3-17 to attend; or

(B) from which the child is suspended or expelled;

is regularly engaged in the instruction of students of the same age, including any scheduled makeup days.

SECTION 3. IC 31-37-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon the filing of a petition for compliance and after notice and a hearing on the petition for compliance, the juvenile court may order the parent, guardian, or custodian of a child to participate in a program of informal adjustment approved by the court under section 1 of this chapter. **The juvenile court shall order a parent, guardian, or custodian of a child to participate in a program of informal adjustment approved by the court under section 1 of this chapter if the violation is a**

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violation of IC 31-37-3 (curfew violation).

(b) A parent, guardian, or custodian who fails to participate in a program of informal adjustment ordered by the court may be found in contempt of court.

SECTION 4. IC 31-37-19-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) If the juvenile court determines that a parent, guardian, or custodian should participate in a program of care, treatment, or rehabilitation for the child, the court may order the parent, guardian, or custodian to:

- (1) obtain assistance in fulfilling the obligations as a parent, guardian, or custodian;
- (2) provide specified care, treatment, or supervision for the child;
- (3) work with a person providing care, treatment, or rehabilitation for the child; and
- (4) participate in a program operated by or through the department of correction.

(b) The juvenile court shall order a parent, guardian, or custodian of a child to participate in a program of care, treatment, or rehabilitation of a child who is found to be a delinquent child as a result of IC 31-37-2-5 (curfew violation).

SECTION 5. IC 35-46-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person eighteen (18) years of age or older who **recklessly**, knowingly, or intentionally encourages, aids, induces, or causes a person under eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor. ~~However, the~~

(b) An offense under subsection (a) is a Class C felony if the person knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under:

- (1) IC 35-48-4-1;
- (2) IC 35-48-4-2;
- (3) IC 35-48-4-3;
- (4) IC 35-48-4-4;
- (5) IC 35-48-4-4.5;
- (6) IC 35-48-4-4.6; or
- (7) IC 35-48-4-5.

(c) This subsection does not apply during the time that a child is participating in an activity conducted by a nonprofit or governmental entity that provides education, training, care, or other supervision for a child who has been suspended or expelled

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1 from a school. There is a rebuttable presumption that a parent,
2 guardian, or custodian of a child has violated this section if the
3 parent, guardian, or custodian fails to provide for an adult to
4 accompany a child while the child is in a public place between 5
5 a.m. and 2 p.m. in violation of IC 31-37-3 (curfew violation).

6 SECTION 6. [EFFECTIVE UPON PASSAGE] IC 31-37-3-1,
7 IC 31-37-3-2, IC 31-37-9-4, IC 31-37-19-24, IC 35-46-1-8, all as
8 amended by this act, apply only to delinquent acts or offenses
9 committed after the effective date of this SECTION.

10 SECTION 7. An emergency is declared for this act.

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